

REMARKS

This Application has been carefully reviewed in light of the Office Action dated November 2, 2004. In order to advance prosecution of the present Application, Claims 1-4, 8, and 11-13 have been amended and Claims 14-20 have been added.. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-5 and 8-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Buyukkoc, et al. in view of Rekhter, et al. Independent Claim 1 recites ". . . establishing an upstream reverse notification path associated with said working path; routing a first message from said second data switch to said first data switch via said upstream reverse notification path, the first message providing a fault status indication for said working path." Similarly, independent Claim 11 recites ". . . a first upstream data link operable to couple said destination switching system to said first upstream switching system, said upstream data link operable to send an upstream reverse notification message from said destination switching system to said first upstream switching system, said upstream reverse notification message providing a fault status for said working path." By contrast, the Buyukkoc, et al. patent merely discloses establishing working paths between edge nodes in its network. The B5 and B7 paths of the Buyukkoc, et al. patent identified by the Examiner are merely separate working paths between an originating edge node and a destination edge node. There is no disclosure in the Buyukkoc, et al. patent for establishing an upstream reverse notification path associated with a downstream working path let alone an ability to send a fault status indication for the working path on the upstream reverse notification path as provided by the claimed invention.

Moreover, the Rekhter, et al. patent is only cited for its MPLS disclosure and thus is not able to be used to bolster the deficiencies of the Buyukkoc, et al. patent discussed above. Support for the above recitation can be found at page 14, lines 1-13, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-5 and 8-13 are patentably distinct from the proposed Buyukkoc, et al. - Rekhter, et al. combination.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Buyukkoc, et al. in view of Fang, et al. Independent Claim 1, from which Claims 6 and 7 depend, has been shown above to be patentably distinct from the Buyukkoc, et al. patent. Moreover, the Fang, et al. patent does not provide any additional disclosure combinable with the Buyukkoc, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 6 and 7 are patentably distinct from the proposed Buyukkoc, et al. - Fang, et al. combination.

New Claims 14-20 have been added. With the presentation of new Claims 14-20, no additional filing fees are due. Claims 14 and 15 depend from Claim 11 and are patentably distinct from the Buyukkoc, et al. patent for the reasons outlined above. Independent Claim 16, with dependent Claims 17-20, include similar limitations found in Independent Claims 1 and 11 and are also patentably distinct from the Buyukkoc, et al. patent for the reasons outlined above. Therefore, Applicant respectfully submits that Claims 14-20 are patentably distinct from the Buyukkoc, et al. patent.

Attached herewith is an Information Disclosure Statement with cited documents and check for consideration by the Examiner. Applicant respectfully requests the Examiner to

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PATENT APPLICATION

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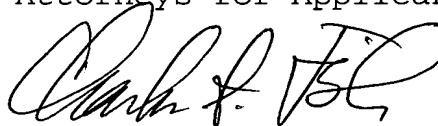
consider the documents cited therein and provide an appropriate indication that the documents so cited have been considered during examination of the present Application.

CONCLUSION

Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
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